

## **IC 12-19-5**

### **Chapter 5. County Welfare Fund; Short Term Borrowing**

#### **IC 12-19-5-1**

##### **Appeal by county director; short term loan**

Sec. 1. (a) In addition to the other method of welfare financing provided by this article, the county director may appeal for the right to borrow money on a short term basis to fund:

- (1) child services under IC 12-19-7-1;
- (2) children's psychiatric residential treatment services under IC 12-19-7.5; or
- (3) other welfare services in the county;

if the county director determines that the family and children's fund or the children's psychiatric residential treatment services fund will be exhausted before the end of a fiscal year.

(b) In an appeal under this section, the county director must show the following:

- (1) That the amount of money in the family and children's fund or the children's psychiatric residential treatment services fund will be insufficient to fund the appropriate services within the county under this article.
- (2) The amount of money that the county director estimates will be needed to fund that deficit.

(c) The county director shall immediately transmit an appeal under this section to the director.

*As added by P.L.2-1992, SEC.13. Amended by P.L.36-1994, SEC.20; P.L.273-1999, SEC.64; P.L.224-2003, SEC.90.*

#### **IC 12-19-5-2**

##### **Duty of division upon receipt of appeal; hearing; resolution**

Sec. 2. Upon receiving an appeal under section 1 of this chapter, the division shall as soon as possible do the following:

- (1) Hold a public hearing to decide if the county should be allowed to borrow money.
- (2) Adopt a resolution at that meeting supporting or rejecting the proposal to borrow money.
- (3) Transmit the resolution to the county director.

*As added by P.L.2-1992, SEC.13.*

#### **IC 12-19-5-3**

##### **Loan determination by county fiscal body**

Sec. 3. (a) Upon receiving a resolution under section 2 of this chapter, the county director shall submit the appeal and the division's resolution to the county fiscal body. Upon receiving the appeal and the resolution, the county fiscal body shall as soon as possible determine whether or not to loan the requested amount to the county office.

(b) If the county fiscal body votes to allow a loan to be made, the county auditor on behalf of the county office shall borrow the money from a financial institution.

(c) If the county fiscal body determines that the county office should not be allowed to borrow money, the county fiscal body shall inform the county director of the county fiscal body's decision.  
*As added by P.L.2-1992, SEC.13. Amended by P.L.4-1993, SEC.186; P.L.5-1993, SEC.199; P.L.46-1995, SEC.46.*

**IC 12-19-5-4 Repealed**

*(Repealed by P.L.46-1995, SEC.86.)*

**IC 12-19-5-5**

**Repealed**

*(Repealed by P.L.46-1995, SEC.86.)*

**IC 12-19-5-6**

**Repealed**

*(Repealed by P.L.46-1995, SEC.86.)*

**IC 12-19-5-7**

**Repealed**

*(Repealed by P.L.46-1995, SEC.86.)*

**IC 12-19-5-8**

**Maximum term of loan**

Sec. 8. The maximum term of a loan under this chapter may not exceed ten (10) years.

*As added by P.L.2-1992, SEC.13.*

**IC 12-19-5-9**

**Approval of loan; conditions**

Sec. 9. The division or a county fiscal body may not do the following:

- (1) Recommend or approve a request to borrow money made under this chapter unless the body determines that the family and children's fund or the children's psychiatric residential treatment services fund will be exhausted before the particular fund can fund all county obligations incurred under this article.
- (2) Recommend or approve a loan that will exceed the amount of the estimated deficit.

*As added by P.L.2-1992, SEC.13. Amended by P.L.36-1994, SEC.23; P.L.46-1995, SEC.47; P.L.273-1999, SEC.65; P.L.224-2003, SEC.91.*

**IC 12-19-5-10**

**Borrowing permitted on appeals made before August 1; levy of property tax**

Sec. 10. (a) If a county director:

- (1) appeals before August 1 of a year for permission to borrow money under this chapter;
- (2) receives permission from the county fiscal body to borrow money before November 1 of the year; and

(3) borrows money under IC 12-1-11.5 (before its repeal) or this chapter;  
the county auditor shall levy a property tax beginning in the following year and continuing for the term of the loan.  
(b) The property tax levied under subsection (a) must be in an amount each year that will be sufficient to pay the principal and interest due on the loan for the year.  
(c) The levy under this section shall be retained by the county treasurer and applied by the county auditor to retire the debt.  
*As added by P.L.2-1992, SEC.13. Amended by P.L.46-1995, SEC.48.*

#### **IC 12-19-5-11**

##### **Borrowing permitted on appeals made after August 1; levy of property tax**

Sec. 11. (a) If a county director:  
(1) appeals after August 1 of a year for permission to borrow money;  
(2) receives permission from the county fiscal body to borrow money; and  
(3) borrows money in the year of the appeal under IC 12-1-11.5 (before its repeal) or this chapter;  
the county auditor shall levy a property tax beginning in the second year following the year of the appeal and continuing for the term of the loan.  
(b) The property tax levied under subsection (a) must be in an amount each year that will be sufficient to pay the principal and interest due on the loan for the year.  
(c) The levy under this section shall be retained by the county treasurer and applied by the county auditor to retire the debt.  
*As added by P.L.2-1992, SEC.13. Amended by P.L.46-1995, SEC.49.*

#### **IC 12-19-5-12**

##### **Additional appropriation**

Sec. 12. A county fiscal body must make an additional appropriation before money borrowed under this chapter may be spent.  
*As added by P.L.2-1992, SEC.13.*